IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2359 OF 2007

Miss Priti Prataprao Shinde ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.N.V. Bandiwadekar for the Petitioner.
Mr.C.R. Sonawane, AGP for Respondent Nos.1 and 2.
Mr.Tanaji Mhatugude for Respondent Nos.3 and 4.
Mr.A.B. Borkar for Respondent No.5.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATED : DECEMBER 10, 2007

P.C. :-

1. Rule. Rule made returnable forthwith. By consent of parties, petition is taken up for final hearing.

2. Admitted facts are that the petitioner was appointed as Full Time Assistant Teacher on probation for a period of two years in the school of respondent no.3 Management. Proposal was submitted for approval of the appointment of the petitioner. By order dated 21st September, 2006, the respondent no.6 Dr.Rohidas Balapure approved the appointment of the petitioner for the Education Year 2006-2007 and 2007-2008. Thereafter,

admittedly, without issuing any notice either to the teacher - petitioner or to the management, the respondent no.6 cancelled his order granting approval by order dated 4th October, 2006. The order actually reads that the respondent no.6 has cancelled the appointment of the petitioner but it appears that thereafter, a clarification was issued that what has been cancelled is only the approval order. Once approval is granted after ascertaining the facts from the management, there can be no justification for cancelling the approval without issuing any notice to the teacher concerned and the management. The notice is required to be given for informing the management and the teacher concerned the reason why the authority wants to recall its order. Admittedly, the order dated 4th October, 2006 has been issued without complying with the principles of natural justice, therefore, it is liable to be set aside. It is, accordingly, so ordered.

3. The conduct of the respondent no.6 who has been joined by me as a party respondent by name shows that the respondent no.6 behaved in the manner which is not

befitting an officer who is holding the post of Deputy Director of Education. He should have been careful in granting approval and he should also have been careful in cancelling the approval. In our opinion, therefore, interest of justice require that the respondent no.6 should be ordered to pay costs. Respondent No.6 is, therefore, directed to pay costs of this petition to the petitioner. Costs are quantified at Rs.5000/-.

4. Petition is disposed of.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)